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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SAN TROPEZ ASSOCIATES, LLC, and
BIG ROCK ASSET MANAGEMENT, LLC

Plaintiffs,

vs.

WESTCHESTER SURPLUS LINES
INSURANCE COMPANY, NATIONAL FIRE
AND MARINE INSURANCE COMPANY, and
STARSTONE SPECIALTY INSURANCE
COMPANY,

Defendants.

CASE NO.:

**DEFENDANTS' NOTICE OF
REMOVAL**

PLEASE TAKE NOTICE that Defendants, StarStone Specialty Insurance Company ("StarStone"), National Fire and Marine Insurance Company ("National Fire"), and Westchester Surplus Lines Insurance Company ("Westchester") (collectively, the "Defendants"), by and through their undersigned counsel, hereby jointly file this Notice of Removal pursuant to 28

1 U.S.C. §§ 1332, 1441 and 1446, removing this action from the Eighth Judicial District Court of
2 Clark County, Nevada, in which it is currently pending, to the United States District Court for
3 the District of Nevada. In support of this Notice, Defendants state as follows:

4 1. On August 12, 2024, Plaintiffs, Plaintiffs, San Tropez Associates, LLC (“San
5 Tropez”) and Big Rock Asset Management, LLC (“Big Rock”), filed a Complaint in the
6 underlying Nevada state court case in the Eighth Judicial District Court of Clark County,
7 Nevada, styled as: *San Tropez Associates, LLC and Big Rock Asset Management, LLC v.*
8 *Westchester Surplus Lines Insurance Company, National Fire and Marine Insurance Company,*
9 *and StarStone Specialty Insurance Company*, Case No. A-24-899537-C (the “State Court
10 Action”).

11 2. The Complaint asserts an insurance coverage dispute regarding property damage
12 allegedly sustained at 8025 West Russell Road, Las Vegas, Nevada 89113 (the “Property”) due
13 to a September 2023 storm. The Complaint consists of four counts: (1) Breaches of Contracts,
14 (2) Common Law Bad Faith, (3) Violation of Nevada’s Unfair Claims Settlement Practices Act,
15 and (4) Declaratory Relief. Annexed as Exhibit “A” is the Complaint filed in the State Court
16 Action (the “Complaint”).

17 3. National Fire was served with a Summons and a copy of the Complaint on August
18 20, 2024. StarStone was served with a Summons and a copy of the Complaint on August 21,
19 2024. Westchester was served with a Summons and a copy of the Complaint on August 20,
20 2024. Annexed as Exhibit “B” are the Affidavits of Service.

21 4. The Complaint was not removable on its face because it neither identified
22 Plaintiffs’ LLC members nor stated the amount in controversy. Because of this, Defendants
23 answered and demanded jurisdictional discovery.

24 5. National Fire and StarStone filed their Answer to the Complaint in the State Court
25 Action on November 18, 2024 with the agreement of Plaintiffs’ counsel. *See* Exhibit “C,”
26 Defendants National Fire and Starstone’s Answer.

27 6. Westchester filed its Answer to the Complaint in the State Court Action on
28 November 18, 2024 with the agreement of Plaintiffs’ counsel. *See* Exhibit “D,” Defendant

Westchester's Answer.

7. On March 10, 2025, the Parties entered into a Stipulated Confidentiality Agreement and Protective Order (the "Protective Order").

8. Plaintiffs responded to Defendants' jurisdictional discovery demands on March 17, 2025. *See* Exhibit "E," San Tropez's Responses to National Fire's Requests for Admission; Exhibit "F," Big Rock's Responses to National Fire's Requests for Admission.

JURISDICTION

I. Diversity of Citizenship

9. Defendants and Plaintiffs are citizens of different states for purposes of establishing this Court's subject matter jurisdiction under 28 U.S.C. § 1332.

10. Defendant Westchester is a Georgia company with its principal place of business in Pennsylvania.

11. Defendant National Fire is a Nebraska company with its principal place of business in Nebraska.

12. Defendant StarStone is a Delaware company with its principal place of business in Ohio.

13. Plaintiffs San Tropez and Big Rock are limited liability companies. "[A]n LLC is a citizen of every state of which its owners/members are citizens." *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). The Complaint does not identify the members either Plaintiff LLC or their citizenship.

14. On January 30, 2025, National Fire served jurisdictional discovery on Plaintiffs seeking the citizenship of each member of the LLCs.

15. On March 17, 2025, Plaintiffs provided responses confirming that none of their members are citizens of the same state as any Defendant. *See* Exhibit "E," San Tropez's Responses to National Fire's Requests for Admission; Exhibit "F," Big Rock's Responses to National Fire's Requests for Admission.

16. While Plaintiffs provided the citizenship of their members in their responses to Defendants' Interrogatories and confirmed that complete diversity exists, those documents are

1 marked “Confidential” under the Protective Order.

2 17. Accordingly, complete diversity exists among the parties pursuant to 28 U.S.C. §
3 1332(a).

4 **AMOUNT IN CONTROVERSY**

5 18. The amount in controversy in this action, exclusive of interest and costs, exceeds
6 the jurisdictional amount of \$75,000, as set forth in 28 U.S.C. § 1332.

7 19. The Complaint does not seek a sum certain. However, on January 30, 2025,
8 National Fire served jurisdictional discovery on Plaintiffs seeking the amount in controversy.

9 20. On March 17, 2025, Plaintiffs provided responses confirming that the amount in
10 controversy exceeds \$75,000. *See* Exhibit “E,” San Tropez’s Responses to National Fire’s
11 Requests for Admission; Exhibit “F,” Big Rock’s Responses to National Fire’s Requests for
12 Admission.

13 **TIMELINESS OF REMOVAL**

14 21. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b)(3) and *Murphy*
15 *Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999), because it is being filed within
16 thirty (30) days of Defendants’ receipt of Plaintiffs’ discovery responses from which Defendants
17 could first ascertain that complete diversity of citizenship exists between the parties.

18 22. Additionally, this Notice of Removal is being filed within one (1) year from the
19 commencement of the State Court Action, August 20, 2024, and therefore meets the timeliness
20 requirement set forth in 28 U.S.C. § 1446(c)(1).

21 23. In sum, because diversity of citizenship exists as between Defendants on the one
22 hand, and Plaintiffs on the other, and the amount in controversy exceeds \$75,000, this Court has
23 subject matter jurisdiction over this proceeding pursuant to 28 U.S.C. § 1332.

24 24. The United States District Court for the District of Nevada encompasses the place
25 where the State Court Action is pending. Accordingly, this Court is the proper federal venue for
26 this action.

27 25. No previous application has been made for the relief requested herein.

28 26. All Defendants consent to the removal of the action to this Court.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of April, 2025, I caused a true and correct copy of the foregoing document: **DEFENDANTS' NOTICE OF REMOVAL** to be served electronically, to the following e-service list recipients:

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/s/ Barbara Abbott
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